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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.173(b). In addition, when any substantive amendment is filed in the reissue application, which amendment otherwise places the reissue application in condition for allowance, a supplemental oath/declaration will be required. See MPEP § 1414.01.

The amendment filed 27 March 2010 proposes amendments to claims 1, 26, and 27 that do not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications. For this reason, Applicant's amendment will not be entered.

Regarding claim 1, Applicant argues that Berners-Lee et al. do not show "a pictorial transcript that is responsive to a keyword search" and hypertext connections. In response, it is submitted that this feature is arrived at by applying Berners-Lee's teachings at the 1st paragraph of section "operation" to the pictorial transcript taught in the Shahraray et al. reference. That is, using Berners-Lee's world wide web paradigm to search and deliver Shahraray's pictorial hypertext documents. One of ordinary skill at the time of the invention would have been motivated to do so to enable the pictorial transcripts to be indexed and searched from any computer connected to the "world wide web" as discussed at paragraph 13 on page 8 of the Office Action dated 27 November 2009.

Regarding claim 7, Applicant argues that "NO mechanism exists in the Sotomayor reference for the user to have pages presented to the user 'in a scheme selected from a plurality of schemes selected by said user.'" This is incorrect for at least the reason that Sotomayor expressly discloses presenting summary page templates to the user at col. 21, l. 64-66, and presenting template sets to the user at col. 22, l. 65 through col. 23, l. 43.

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Regarding claims 7 and 8, Applicant argues “claim construction principals lead one to conclude that the other schemes of the ‘plurality of schemes’ do something other than presenting to the user ‘all of said representative frames.’” Applicant makes a similar argument with respect to claims 8 and 9 at the top of page 8 of the remarks. Applicant may be alluding to the principle that claim 7 must have a broader scope than claim 8 because the dependent claim must further limit the subject matter of the parent claim. If this is what Applicant means then, it is unclear how a broader reading of claim 7 supports Applicant’s argument. If Applicant means that scope of claim 7 is mutually exclusive with that of claim 8, then Applicant’s argument is a clear contradiction of 35 U.S.C. 112, fourth paragraph. This paragraph states that “a claim in a dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers” and requires the dependent claim to further limit the subject matter claimed. Applicant is encouraged to further elaborate on these claim construction principles and the significance of this argument in future responses.

Regarding claims 26 and 27, Applicant argues “[Sotomayor] teaches nothing about division of either the summary or the presentation into pages; by topic or otherwise,” characterizing Sotomayor’s teaching as an “identification of topics.” In response, it is submitted that Applicant has not claimed “division” with sufficient specificity to exclude Sotomayor’s division of selected documents (20) into hyperlinked topics described at lines 20-30 of column 15. Applicant’s claim broadly recites “division” and does not further define how the division is accomplished other than it is based on “topic.” Sotomayor’s division is also based on topic. Regarding claim 27, Applicant’s arguments attempt to draw a distinction based on the concept of “creating” presentation pages, which does not appear in the text of claim 27. To the extent that

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creation is present in claims 26 or 27, Sotomayor discloses a summary page generator 40 that also creates. Applicant asserts that Sotomayor does not disclose closed-captioning; however, Sotomayor is not relied upon for the teaching of closed-captioning. The rejection proposes applying the teachings of Sotomayor to Shahrory by dividing Shahrory's hypertext pages based on a change in the closed-caption format as discussed in paragraph 41 on page 16 of the Office Action. Thus, Applicant's arguments directed to claims 26 and 27 are not persuasive.

Regarding claim 11, Applicant argues that the Examiner has mischaracterized the Sprague reference, and states "it is not known what an 'intracoded frame' is" and "'I frames' are not even mentioned in the text." The Examiner respectfully asserts that Sprague uses the term "intracoded frame", "also known as "I frames," without providing a definition because (1) they are defined in the MPEG-1 standard incorporated in the patent by reference at col. 10, l. 46-51 and (2) they are well-known in the art and Sprague assumes that the reader has knowledge of them. For a more detailed discussion, Sprague refers the reader to the MPEG-1 standard incorporated by reference at col. 10, l. 46-51. For background information on I frames and the MPEG standard, Applicant's attention is invited to Nick Kingsbury, "The MPEG Standard" [online]. [retrieved on 2010-04-05]. Retrieved from the Internet: <URL: <http://cnx.org/content/m11144/2.3/?format=pdf>>. In view of these references, the Examiner's assertion that Sprague at col. 10, l. 42-46 discloses that the frames that are not I frames are replaced should be apparent. Specifically, not all frames from the original video are represented in Sprague's "thumbnail video sequence." Furthermore, Applicant argues "thumbnails are not hypertext anchors." In response, it is submitted that the full-quality version of the resource is selected by the user of Sprague's system at col. 9, l. 10-12; col. 8, l. 30-35, as a hypertext anchor

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in a web browser displayed on a monitor. The teaching of requesting resources using hypertext anchors is also disclosed by the Berners-Lee reference, which is cited in the rejection. For at least these reasons, Applicant's arguments directed to claim 11 are not persuasive.

Regarding Applicant's arguments directed to the rejection of claim 12, Applicant appears to use the term "representative frames" to mean every frame in the sequence. Analogizing to Mauldin et al., video frames 60 in Figure 3 are representative frames. Mauldin et al. removes alternating frames as shown in Figure 3. Mauldin's criterion is irrelevant to claim 12 because claim 12 says nothing explicitly or implicitly to exclude Mauldin's criterion from the claim scope. Thus, Applicant's argument is not persuasive.

Regarding claims 13 and 14, Applicant continues to mischaracterize the rejection and argue against the references individually. Applicant's symbolic abstraction of the rejection at the bottom of page 11 reveals the misunderstanding. Applicant argues that the Examiner asserts the references do not teach element C, "if the Examiner asserts that reference Z teaches C, it suffices for an applicant to demonstrate that reference Z does NOT teach C." It is assumed that element C is "said criterion removes representative frames below a prescribed image size" of claim 13, or "above" a size in the case of claim 12. To clarify using Applicant's symbolic abstraction: In paragraph 50 on page 19 of the Office Action, a combination of references used rejecting the parent claim (X + Y) is cited as teaching element C in part (element C1) and Hunt (Z) is cited as teaching element C in part (element C2). In paragraph 51 on page 20, the rejection proposes combining C1 as taught by X + Y with element C2 taught by Z to arrive at element C. Applicant argues individually against X, Y and Z that no reference teaches element C. For this reason, Applicant's arguments are not persuasive.

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Regarding Applicant's arguments directed to the rejection of claim 15, the rejection presented in the Office Action does not assert that Shahraray's (II) teaching of detecting shot boundaries alone reads on the claimed step of removing representative frames as Applicant has argued. Instead, the rejection proposes applying Shahraray's teachings to those of the combination used in rejecting the parent claim as set out in paragraph 56 to arrive at this element.

Regarding Applicant's arguments directed to the rejection of claim 17, Applicant characterizes the Igguden et al. references as not relevant to the claimed invention. In response, it is submitted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the rejection relies on the Igguden et al. reference for the teaching of removing commercials from video. The rejection proposes combining Iggulden's teaching of removing commercials to the teaching of removing representative frames from video to arrive at the claimed invention. The idea of removing commercials from videos can be applied to playback of a recorded video regardless of the format. The combination of references used to reject the parent claim already discloses removing frames that do not meet a predefined criterion. Thus, Applicant's arguments are not persuasive.